

Michael G. Smith, OSB No. 970971
The Gatti Law Firm
235 Front Street SE, Ste. 200
Salem, OR 97301
Phone: (503) 363-3443 or (800) 289-3443
Fax: (503) 371-2482
E-mail: msmith@gattilaw.com
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

EUGENE BILSON, Plaintiff, v. UNITED STATES DEPARTMENT OF THE TREASURY; and, CENTERS FOR MEDICARE & MEDICAID SERVICES, Defendants.	Case No: COMPLAINT TO FORECLOSE STATUTORY MEDICARE LIEN, FOR TAKING PROPERTY WITHOUT DUE PROCESS, AND FOR ATTORNEY FEES
---	---

JURISDICTION & VENUE

This Court has original jurisdiction under 28 U.S.C. 1441(a) in that this action involves federal question jurisdiction.

///

///

COMES NOW, Eugene Bilson who, for causes of action against the United States Department of the Treasury, Centers for Medicare & Medicaid Services, and / or unknown other governmental entities, allege as follows:

1.

Eugene Bilson was and is a resident and domiciliary of the State of Oregon who, at all times material herein, was the beneficiary and recipient of Medicare medical benefits.

2.

On or about the 10th day of July, 2018, Eugene Bilson was involved in a motor vehicle collision which caused him bodily injury and which required him to receive reasonable and necessary medical treatment and to incur medical expenses, some of which were paid for by his Medicare coverage.

3.

Eugene Bilson settled his personal injury and underinsured motorist claims and reimbursed the Centers for Medicare & Medicaid Services (“CMS”) for the lien it claimed at the time in the sum of \$22,339.65. The lien amount was reduced by proportionate attorney fees of one-third (\$7,446.55), as well as proportionate costs (\$62.11), and CMS was paid a total of \$14,830.99.

4.

CMS and the United States Department of the Treasury claim that Eugene Bilson is indebted to it and / or them for a principal balance of \$5,925.23, plus accrued interest in the amount of \$303.66.

///

///

///

5.

There is no debt owed to the Centers for Medicare & Medicaid Services or the United States Department of the Treasury. The Medicare lien was paid in full.

6.

Plaintiff disputes the debt asserted by CMS and the United States Department of the Treasury and he demands strict proof of it.

7.

Plaintiff disputes that \$20,756.22 was ever owed to CMS and he demands strict proof of the claim.

8.

Defendants' actions constitute the taking of property without due process in violation of the 5th Amendment of the United States Constitution. Plaintiff prays for a declaration that he owes no debt to the United States Department of the Treasury and / or Centers for Medicare & Medicaid Services.

9.

Plaintiff prays for the foreclosure of the lien asserted by CMS against his personal injury and underinsured motorist cases.

10.

Plaintiff is entitled to an award of attorney fees by law and statute, including the Equal Access to Justice Act and 42 USC § 1988.

WHEREFORE, Plaintiff prays for a judgment as follows:

- (a) For foreclosure of the lien and claim asserted against him by the United States Department of the Treasury and Centers for Medicare & Medicaid Services;
- (b) For a declaration and / or judgment that any and all liens have been satisfied;
- (c) For a determination that \$20,756.22 was not owed to CMS;

- (d) For Plaintiff's attorney fees provided by law; and,
- (e) For such other and further relief at law and in equity to which Plaintiff may show himself to be justly entitled.

DATED this 15th day of November, 2020.

THE GATTI LAW FIRM

By: 
Michael G. Smith, OSB No. 970971
Of Attorneys for Plaintiff
235 Front Street SE, Suite 200
Salem, OR 97301
Tel: (503) 363-3443
Fax: (503) 371-2482
Email: msmith@gattilaw.com